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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,267	01/21/2004	Kia Silverbrook	RRA22US	1027

24011 7590 11/07/2006

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393 DARLING STREET
BALMAIN, NSW 2041
AUSTRALIA

EXAMINER

UHLENHAKE, JASON S

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/760,267	Applicant(s) SILVERBROOK, KIA	
	Examiner Jason Uhlenhake	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/10/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Objections

The amendment filed 7/11/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: in Paragraph beginning at Page 25, Lines 1-12; In response to the signal from the ink cartridge QA chip that the ink is nearly depleted, controller board 82 activates indicator LED 138 to inform the user that another refill is necessary.

Applicant is required to cancel the new matter in the reply to this Office Action.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-5 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of copending Application No. 10/760,258. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the claimed authentication device connecting with integrated circuit assembly upon insertion of the removable inkjet cartridge.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

<i>Application # 10/760,267 – Claims:</i>	<i>Application # 10/760,258 – Claims:</i>
1	1
2	1,4
3	1,3
4	6
5	1, 4, 6-7

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook et al (U.S. Pat. 6,588,952) in view of Komplin et al (U.S. Pat. 6,199,977) and Reed et al (U.S. Pat. 6,585,348)

Silverbrook ('952) discloses:

- ***regarding claim 1***, an integrated circuit assembly arranged to couple with and test an authentication device of the cartridge at receipt of the removable inkjet cartridge by the body (Column 4, Lines 46 - 58)
- ***regarding claim 2***, wherein the authentication device comprises a quality assurance chip (Column 4, Lines 46 - 58)
- ***regarding claim 4***, integrated circuit assembly includes a connector mounted upon the body at a location to connect with the quality assurance chip upon insertion of the removable inkjet cartridge (504 of Figure 1) into the recess (Column 4, Lines 46 - 58)
- ***regarding claim 5***, wherein the integrated circuit assembly comprises a portion of a control circuit of the inkjet printer cradle, said control circuit arranged to indicate a failure to verify the authentication device (Column 4, Lines 46 - 58)

Silverbrook ('952) does not disclose expressly the following:

- ***regarding claim 1***, a body complementary to a removable inkjet cartridge, the removable inkjet cartridge having a pagewidth printhead and an ink supply; such that the cradle and cartridge together form an inkjet printer

- **regarding claim 3**, wherein the body defines a recess to receive the removable inkjet cartridge

Komplin discloses:

- **regarding claim 1**, a body (cartridge body) complementary to a removable inkjet cartridge (Figure 1; Column 2, Lines 65-67); such that the cradle and cartridge together form an inkjet printer (Column 1, Lines 32-33), for the purpose of improving reliability of the assembled components of the inkjet printer

- **regarding claim 3**, wherein the body defines a recess to receive the removable inkjet cartridge (Figures 1, 2), for the purpose of improving reliability of the assembled components of the inkjet printer

Reed discloses:

- **regarding claim 1**, the inkjet cartridge having a pagewidth printhead and an ink supply (Column 1, Line 59 – Column 2, Line 9), for the purpose of having a printhead to print across the entire width of a recording medium

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Komplin and Reed into the device of Silverbrook, for the purpose of improving reliability of the assembled components of the inkjet printer and having a printhead to print across the entire width of a recording medium

Response to Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejections

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regarding Silverbrook et al (U.S. Pat. 6,588,952) in view of Komplin et al (U.S. Pat. 6,199,977) and Reed et al (U.S. Pat. 6,585,348)


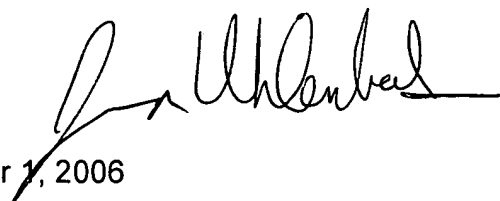
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSU
November 1, 2006



STEPHEN MEIER
SUPERVISORY PATENT EXAMINER